

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CASSANDRA FOSTER,  
  
Plaintiff,

Civil 04-4125 (DSD/SRN)

v.

**ORDER**

YELLOW BOOK, U.S.A., INC.,  
  
Defendant.

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Plaintiff has filed a complaint alleging that Defendant violated her rights under Minnesota's employment laws. (Docket No. 1.) Plaintiff's complaint was accompanied by an application for leave to proceed in forma pauperis, ("IFP"), (Docket No. 2), which is now before the Court.

Plaintiff's IFP application shows that she is currently employed by a "temp agency," and that her take-home pay is approximately \$2000 per month. The IFP application also indicates that Plaintiff has no assets of any kind, and that she supports three minor children. In light of Plaintiff's current income, however, the Court cannot conclude that she is indigent for IFP purposes. Plaintiff has not adequately explained why she cannot pay the filing fee and costs of service of process using the income available to her from her employment. Plaintiff's IFP application will therefore be DENIED.

However, Plaintiff will be given an opportunity to pay the normal \$150 filing fee, and if she chooses to do so, she will be allowed to pursue her claims as a non-IFP litigant. If Plaintiff pays the \$150 filing fee within twenty (20) days after the date of this Order, the action will be allowed to proceed. If she fails to pay the full amount of the filing fee within the time

allowed, it will be recommended that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

Based upon the above, and upon all the files, records, and proceedings herein,

**IT IS HEREBY ORDERED** that:

1. Plaintiff's IFP Application, (Docket No. 2), is **DENIED**; and
2. Plaintiff shall pay the full filing fee of \$150 within twenty (20) days after the date hereof, failing which it will be recommended that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

Dated: September 17, 2004

s/ Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States Magistrate Judge